

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 122

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## Sub-Chapter 3

## Definitions

24.122.301 DEFINITIONS For the purposes of this chapter, the following definitions apply:

(1) "Boiler classification" means, for the purpose of determining the appropriate class of boiler operating engineer's license required:

(a) a determination of the conditions under which the boiler is actually being operated, with respect to:

(i) the operating pressure;

(ii) the operating temperature; and

(iii) the BTUs per hour or horsepower per hour produced; but

(b) is not based upon the maximum allowable working pressure (MAWP) rating limit(s) established on the boiler's manufacturer's data plate.

(i) The department may require the boiler owner to provide appropriate verification from the power supplier, which establishes the BTU per hour or horsepower per hour rate at which the boiler is being fired, as applicable.

(2) "Department" means the department of labor and industry.

(3) "Hot water supply boiler" means a boiler providing potable water within the temperature and pressure limits established by the state plumbing code, and which may be monitored by any person holding a current low pressure boiler operating engineer's license or limited low pressure operating engineer license.

(4) "Monitoring" the operation of a boiler means appropriate periodic maintenance and observation of the functioning of a hot water heating boiler or hot water supply boiler, which contains all failsafe features necessary to operate fully unattended. Failsafe features include control circuitry that stops the flow of fuel and/or control feed water to the boiler.

(5) "Operating" a power boiler or steam engine means the manual operating and monitoring of an automatically fired power boiler or steam engine, which requires the operator to be present while the boiler is fired.

(6) "Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 pounds per square inch gauge pressure (psig).

(7) Additional definitions related to boiler operators are in building code rules found at ARM 24.301.711. The department incorporates by reference the definitions contained in the September 30, 2004, version of ARM 24.301.711, which include the following terms:

- (a) boiler;
- (b) high temperature water boiler;
- (c) hot water heating boiler;
- (d) standard boiler;
- (e) state special boiler;
- (f) steam heating boiler;
- (g) temporary boiler;
- (h) traction engine;
- (i) water heater; and
- (j) water heating system. (History: 50-74-101, MCA; IMP, 50-74-101, MCA; NEW, 2005 MAR p. 583, Eff. 4/15/05.)

## Subchapter 4

## General Provisions

24.122.401 FEE SCHEDULE FOR BOILER OPERATING ENGINEERS

- (1) Initial application, including examination:
  - (a) First-class engineer license \$100
  - (b) Second-class engineer license 100
  - (c) Third-class engineer license 80
  - (d) Agriculture-class engineer license 50
  - (e) Low-pressure engineer license 60
  - (f) Traction engineer license 50
- (2) Annual renewal of license (all classes) 35
- (3) Additional standardized fees are specified in ARM 24.101.403.
- (4) An applicant who fails the examination shall pay 50 percent of the licensure fee in order to retake the examination.
- (5) All fees are nonrefundable. (History: 37-1-134, 50-74-101, MCA; IMP, 37-1-101, 37-1-134, 37-1-141, 50-74-320, MCA; NEW, 1995 MAR p. 2247, Eff. 10/27/95; AMD, 1998 MAR p. 453, Eff. 2/13/98; AMD, 2004 MAR p. 3028, Eff. 12/17/04; TRANS, from Commerce, 2005 MAR p. 581; AMD, 2006 MAR p. 1277, Eff. 5/19/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.122.402 through 24.122.404 reserved

24.122.405 APPROVAL OF TRAINING COURSES (1) Any person or entity wishing to conduct a training course, approved by the department as acceptable for fulfilling educational requirements for boiler operator engineer licensure established in 50-74-304, MCA, shall apply for approval on forms provided by the department.

(2) Minimum training course hours are as follows:

(a) For all low-pressure and third-class boiler operating engineer training courses, a minimum of 30 hours, including classroom instruction and field or shop time is required.

(3) Training course providers shall receive department approval prior to offering courses. Applications for approval of a training course must include the following:

(a) a description of the training course identifying the specific class of license for which the course is designed;

(b) a list of books, publications and source material to be utilized in the training course;

(c) a course outline, which includes a breakdown of the hours to be used to cover each area of training, including total classroom instruction hours and field or shop time hours;

(d) a copy of the certificate of completion to be awarded to the persons successfully completing the course;

(e) the name of each licensed operator who will act as an instructor for the course; and

(f) a copy of the instructor's boiler operating engineer's license or other documentation acceptable to the department, which outlines the instructor qualifications to teach the course.

(i) Instructors who are not currently licensed by the state of Montana as a boiler operating engineer must have a class of license at least equal to the level of training class being offered and are required to successfully pass the applicable written examination prior to teaching the training course.

(4) The department will review and evaluate each training course application on a case-by-case basis, and will approve only those courses fulfilling the requirements established in this chapter. Once approved by the department, course curriculum cannot be modified until proposed changes are approved by the department.

(a) Approval for a training course remains valid until such time as the department gives the training course provider 30 days notice of the department's justification and intent to withdraw its approval of the course.

(b) Training course providers may petition the department for reconsideration during the 30-day period. The department will notify the provider of its final determination subsequent to the termination of the 30-day period.

(c) The department staff may, at no charge, observe courses for the purpose of auditing the course content, but will not be issued a course completion certificate.

(5) Instructors or entities approved to conduct a training course shall provide a certificate of completion to those persons successfully completing the course, which includes the specific name of the approved course and the date of completion.

(6) All training programs currently approved will have to be reevaluated by July 13, 2005. Those programs not evaluated by July 13, 2005 will not be accepted by the department as credit for experience for license applicants. (History: 50-74-101, MCA; IMP, 50-74-304, MCA; NEW, 2005 MAR p. 583, Eff. 4/15/05.)

Rules 24.122.406 through 24.122.409 reserved

24.122.410 RESPONSIBILITY OF LICENSEE (1) Licensed boiler operating engineers shall allow a department inspector free access to the boiler and, when requested, shall assist the inspector with the inspection.

(2) A power boiler in active service (which is the period of time when the main stop valves are open and the boiler is firing) must not be left unattended for a period longer than it takes for the water level to drop below the normal operating level when:

- (a) the feed water is shut off; and
- (b) the boiler is forced to its maximum capacity.

(3) The operator shall personally check the operation of a power boiler, the necessary auxiliaries, and the water level in the boiler at such intervals as are necessary to ensure safe operation of the boiler. In no case when the power boiler is being manually operated may this interval exceed 120 minutes, or the requirements of the boiler manufacturer as set forth in ASME CSD 1, whichever period is shorter.

(4) The operator of any boiler, other than a power boiler, whenever the boiler is being manually operated, shall personally check the operation of such boiler in intervals established by the requirements of the boiler manufacturer as set forth in ASME CSD 1.

(5) All applicable boiler operating certificates and boiler operating engineer's licenses must be conspicuously displayed in the boiler room. In lieu of posting in the boiler room, appropriate signage may be provided establishing the location where the documents may be examined.

(6) Licensees shall notify the department of any change in the status of their responsibility to operate and/or monitor the boiler(s). Notification must be in writing and received by the department within ten days of the change of status.

(7) When an accident occurs which renders a boiler inoperative, the licensee shall notify the department as soon as it is practical. (History: 50-74-101, MCA; IMP, 50-74-106, 50-74-210, 50-74-214, MCA; NEW, 2005 MAR p. 583, Eff. 4/15/05.)



## Subchapter 5

## Licensing

24.122.501 LICENSE REQUIRED TO OPERATE BOILERS AND STEAM ENGINES (1) A person shall obtain the proper class of boiler operating engineer's license from the department if the person is:

- (a) operating a boiler;
- (b) operating a steam engine; or
- (c) monitoring the operation of an automatically fired boiler.

(2) If the boiler or steam engine being operated or monitored is exempt from the provisions of Title 50, chapter 74, MCA, the person is not required to obtain a boiler operating engineer's license. (History: 50-74-101, MCA; IMP, 50-74-103, 50-74-301, MCA; NEW, 2005 MAR p. 583, Eff. 4/15/05.)

Rules 24.122.502 through 24.122.504 reserved

24.122.505 APPLICATION FOR LICENSURE (1) Any person required to obtain a boiler operating engineer's license shall make application to the department on form(s) prescribed by the department.

(2) Applications for licensure must include:

- (a) a completed and signed application;
- (b) proof that the applicant is 18 years of age or older;
- (c) a nonrefundable application fee; and
- (d) documentation acceptable to the department establishing that the applicant has the requisite experience and qualifications to take the examination.

(3) Applicants for other than a first- or second-class boiler operating engineer's license may provide documentation in lieu of the requisite experience and qualification requirements. An applicant for other than a first- or second-class boiler operating engineer's license may furnish documentation which provides:

(a) proof the applicant has successfully completed department approved training course(s) specific to the class of boiler license sought; and

(b) verification, acceptable to the department, from a boiler operating engineer with a license at least equal to the class of license sought by the applicant, that the applicant has worked with the type of boiler for which the license is sought under the engineer's supervision for a minimum of 40 hours and that the applicant is competent to operate the boiler of the class for which the license is being sought.

(4) The department will review applications for licensure on a case-by-case basis and approve only those applicants meeting the requirements established by 50-74-304 or 50-74-307, MCA, as applicable. The department may accept credentials and documentation it believes to be substantially equal to the training and experience requirements established above. (History: 50-74-101, MCA; IMP, 50-74-302, 50-74-303, 50-74-304, 50-74-305, 50-74-307, 50-74-308, MCA; NEW, 2005 MAR p. 583, Eff. 4/15/05.)

Rules 24.122.506 through 24.122.509 reserved

24.122.510 EXAMINATIONS (1) Examinations to determine the fitness and competence of applicants will be conducted in Helena, Montana at not less than three month intervals. At the department's discretion, additional examinations may be conducted based on the number of approved applicants waiting for examination.

(2) The department may conduct examinations in other locations and accept examination results from third-party agencies if authorized by the department.

(3) Special examinations may be held in the event the examination date and place regularly set by the department conflicts with the religious beliefs of the applicant or for other appropriate reasons, and in that event, the applicant may petition the department by letter requesting such special examination. If the department allows such a special examination, it shall set the time and place, in its discretion.

(4) Applicants will be required to successfully complete the examination with a minimum passing score of 70 percent.

(5) Failing candidates will be required to pay a retake fee and will have to wait a minimum of 45 days from their last failure to retake the examination.

(6) An applicant who fails to appear and take the first examination for which the applicant is scheduled may have the examination fee apply toward the next scheduled examination. However, if the applicant fails to appear and take the next scheduled examination, the fee is forfeited and any application for a subsequent examination requires an additional examination retake fee. (History: 50-74-101, MCA; IMP, 50-74-302, 50-74-306, 50-74-311, 50-74-320, MCA; NEW, 2005 MAR p. 583, Eff. 4/15/05.)

Rules 24.122.511 through 24.122.514 reserved

24.122.515 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) The renewal date is set by ARM 24.101.413. Licensees shall submit the appropriate fee established in ARM 24.122.401 when applying to renew a license.

(3) The provisions of ARM 24.101.408 apply.

(4) At the time of license renewal, operators shall inform the department, in writing or by online renewal on the forms provided, of the name(s) of any person(s) currently being trained to operate and/or monitor the boiler(s). (History: 37-1-141, 50-74-101, MCA; IMP, 37-1-141, 50-74-313, MCA; NEW, 2005 MAR p. 583, Eff. 4/15/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)